

First Published in the Wichita Eagle on September 25, 2009

RESOLUTION NO. 09-309

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF LATERAL 58, COWSKIN INTERCEPTOR SEWER, (EAST OF 151ST ST. WEST, SOUTH OF MAPLE) 468-84500 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF LATERAL 58, COWSKIN INTERCEPTOR SEWER, (EAST OF 151ST ST. WEST, SOUTH OF MAPLE) 468-84500 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. 08-173 adopted on April 1, 2008 is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to construct Lateral 58, Cowskin Interceptor Sewer, (east of 151st St. West, south of Maple) 468-84500.

Said sanitary sewer shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 3. That the cost of said improvements provided for in Section 2 hereof is estimated to be Ninety Thousand Dollars (\$90,000) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after April 16, 2008 exclusive of the costs of temporary financing.

That, in accordance with the provisions of K.S.A. 12-6a19, a benefit fee be assessed against the improvement district with respect to the improvement district's share of the cost of the existing sanitary sewer main, such benefit fee to be in the amount of Twenty-Five Thousand Nine Hundred Sixty-Four Dollars (\$25,964).

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

HIGH POINT WEST ADDITION  
Lots 1 through 18 inclusive, Block 1  
Lots 1 and 2, Block 2

TRACT A

Beginning at the Northeast corner of High Point West Addition; thence North 285 feet; thence West 600 feet more or less to the East line of 151st Street West; thence South 285 feet to the North line of High Point West Addition extended; thence East to the point of beginning.

TRACT B

Beginning at the Southeast corner of High Point West Addition; thence South 285 feet; thence West 600 feet more or less to the East line of 151st Street West; thence North 285 feet to the South line of High Point West Addition extended; thence East to the point of beginning.

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a fractional basis.

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis: Lots 1 through 18 inclusive, Block 1 and Lots 1 and 2, Block 2, HIGH POINT WEST ADDITION, shall each pay 280/5890 of the total cost of the lateral sanitary sewer payable by the improvement district and 197/5890 of the above described fee for the existing sanitary sewer main.

That TRACT A, shall pay 10/5890 of the total cost of the lateral sanitary sewer, payable by the improvement district and 10/5890 of the above described fee for the existing sanitary sewer main.

That TRACT B, shall pay 280/5890 of the total cost of the lateral sanitary sewer, payable by the improvement district and 1940/5890 of the above described fee for the existing sanitary sewer main.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 9. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 22<sup>nd</sup> day of September, 2009.

\_\_\_\_\_  
CARL BREWER, MAYOR

ATTEST:

\_\_\_\_\_  
KAREN SUBLETT, CITY CLERK

(SEAL)